

REMARKS

Administrative Overview

Prior to entry of the present Amendment, claims 105-111 and 113-147 were pending in this application. The Office action, dated February 18, 2004, rejects claims 105-109, 111, 115-120, 122, 123, 126-131, 133, 134, 137-141, 143, 144, and 147 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,693,043 to Kittrell et al. (Kittrell), and rejects claims 110, 113, 114, 121, 124, 125, 132, 135, 136, 142, 145, and 146 under 35 U.S.C. § 103(a) as being unpatentable over Kittrell.

Applicants amend claims 105, 108-111, 113, 115, and 121, and present new claims 148-169 as shown in the preceding Listing of Claims. Applicants cancel without prejudice claims 114 and 127-147. Support for the amendments, including the new claims, may be found in the specification and the drawings, and at least on page 8, lines 20-27, and in Figure 3 (i.e. illustrating illumination of *substantially non-overlapping* regions of a sample at reference 37).

Applicants submit that no new matter has been added by any of these amendments. Following entry of the present Amendment, claims 105-111, 113, 115-126, and 148-169 are pending in this application.

Independent Claim 105 is Patentable Over the Cited Art

Claim 105 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Kittrell. For a claim to be anticipated under 35 U.S.C. § 102(b), a single prior art reference must teach each and every limitation in the claim. Applicants respectfully traverse this rejection because Kittrell fails to teach every element of amended claim 105.

Applicants amend claim 105, as reflected in the preceding Listing of Claims. The method of amended claim 105 comprises illuminating a plurality of non-overlapping regions of a sample.

Kittrell does not teach or suggest illuminating a plurality of substantially non-overlapping regions of a sample. For example, Kittrell states at column 9, lines 25-29: "... the optical fibers are arrayed such that each of the laser spots ... slightly overlap with adjacent spots."

Further, Kittrell teaches away from non-overlapping regions, for example at column 9, lines 43-47: "... in order to insure that all plaque in contact with the distal end of optical shield 12 can be removed, the optical fibers ... must be arrayed so that the degree of overlap of the laser spots ... is accordingly greater." The overlap of the laser spots is pictorially indicated at references 27a,b,c and 35a,b,c in Figure 4 of Kittrell.

Therefore, because Kittrell fails to teach or suggest every element of amended claim 105, Applicants respectfully request that the rejection of claim 105 based on U.S.C. § 102(b) be reconsidered and withdrawn.

Dependent Claims 106-109, 111, 115-120, 122, 123, and 126 Are Each Patentable Over the Cited Art

Dependent claims 106-109, 111, 115-120, 122, 123, and 126 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kittrell. Applicants respectfully traverse these rejections.

Because claims 106-109, 111, 115-120, 122, 123, and 126 each depend from claim 105, they each include all the limitations of amended claim 105. As discussed above, Kittrell fails to teach or suggest every element of amended claim 105.

Therefore, because Kittrell fails to teach or suggest every element of dependent claims 106-109, 111, 115-120, 122, 123, and 126, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Applicants amend dependent claims 108, 109, and 115 as shown in the preceding Listing of Claims to provide clarification. Applicants submit that no new matter is introduced by these amendments.

Dependent Claims 110, 113, 121, 124, and 125 Are Each Patentable Over the Cited Art

Dependent claims 110, 113, 121, 124, and 125 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kittrell. Applicants respectfully traverse these rejections.

In order to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest every element being claimed. Because claims 110, 113, 121, 124, and 125 each depend from claim 105, they each include all the limitations of amended claim 105. As discussed above, Kittrell fails to teach or suggest every element of amended claim 105.

Therefore, because Kittrell fails to teach or suggest every element of dependent claims 110, 113, 121, 124, and 125, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Applicants amend dependent claims 110, 113, and 121 to provide clarification. Applicants submit that no new matter is introduced by these amendments.

Conclusion

Applicants request that the Examiner reconsider the Application and claims in the light of the foregoing Amendment and Response. Applicants respectfully submit that in view of the amendments and remarks herein, claims 105-111, 113, 115-126, and 148-169 are in condition for

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allowance. Applicants, therefore, respectfully request issuance of a Notice of Allowance in due course.

If the Examiner believes that it would be helpful to discuss any aspect of the application by telephone, the undersigned representative cordially invites the Examiner to call at the telephone number given below.

Respectfully submitted,



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